

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE N. BETETA,

Plaintiff,

v.

GRAY,

Defendant.

No. 2:22-cv-00037-DAD-CKD (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT

(Doc. Nos. 34, 43)

Plaintiff Jose Beteta is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 12, 2024, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion for summary judgment (Doc. No. 34) be granted. (Doc. No. 43.) Specifically, based upon the evidence submitted by the parties, the magistrate judge concluded that there was no genuine issue of material fact as to whether defendant was deliberately indifferent to plaintiff's medical condition involving hemorrhoids. (*Id.*) The magistrate judge also concluded that the facts, taken in the light most favorable to plaintiff, did not demonstrate that defendant's conduct violated a federal statutory or constitutional right

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1 clearly established at the time of defendant's conduct, such that defendant was not entitled to  
2 qualified immunity. (*Id.*)

3 Those findings and recommendations were served on the parties and contained notice that  
4 any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 8.) On  
5 February 5, 2024, plaintiff filed objections to the pending findings and recommendations.

6 Plaintiff's objections provides no basis upon which to question the analysis of the  
7 evidence on summary judgment and the applicable law as set forth in the pending findings and  
8 recommendations. His objection is a single sentence stating that he objects "based on the facts  
9 presented on his claims and arguments already presented and/or on file." (Doc. No. 44.) This  
10 objection does not meaningfully challenge the findings and recommendations or provide any  
11 basis upon which they should be rejected.

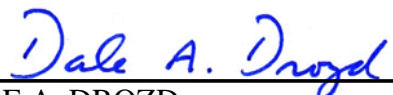
12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the  
13 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,  
14 including plaintiff's objection, the court concludes that the findings and recommendations are  
15 supported by the record and proper analysis.

16 Accordingly:

- 17 1. The findings and recommendations issued on January 12, 2024 (Doc. No. 43) are  
18 adopted in full;
- 19 2. Defendant's motion for summary judgment (Doc. No. 34) is granted; and
- 20 3. The Clerk of the Court is directed to close this case.

21 IT IS SO ORDERED.

22 Dated: March 7, 2024

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24 DALE A. DROZD  
25 UNITED STATES DISTRICT JUDGE  
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